

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

CAREDX, INC.,	)	C.A. No. 19-662 (CFC) (CJB)
	)	
Plaintiff,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	
	)	
NATERA, INC.,	)	
	)	
Defendant.	)	

**CAREDX PROPOSED VERDICT FORM**

## **INSTRUCTIONS**

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's charge. Your answer to each question must be **unanimous**. Some of the questions contain legal terms that are explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

**FALSE ADVERTISING**

**QUESTION NO. 1:** Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising under the Lanham Act?

	<b>Yes (for CareDx)</b>	<b>No (for Natera)</b>
The retrospective Natera Study is reliable enough to support Natera's claims for Prospera	_____	_____
Head-to-head comparisons between Prospera and AlloSure can be made based on the Natera Study and the Bloom paper	_____	_____
Prospera outperforms, is significantly better than, or has better precision than AlloSure	_____	_____
Prospera is more sensitive and specific than AlloSure [current assessment tools] across all types of rejection	_____	_____
Prospera is more sensitive than AlloSure [the competing (or first-generation) dd-cfDNA assay]	_____	_____
Prospera has a higher NPV than AlloSure		
Prospera has a higher area under the curve ("AUC") than AlloSure [the competing (or first-generation) dd-cfDNA assay]	_____	_____
Prospera is the first test to detect subclinical acute rejection	_____	_____

	<b>Yes (for CareDx)</b>	<b>No (for Natera)</b>
Prospera has up to 5x less variability than AlloSure [first-generation dd-cfDNA]	_____	_____
Prospera has a unique ability to identify T cell-mediated rejection (TCMR)	_____	_____
Prospera has a lower risk of missing active rejection than AlloSure [the competing (or first-generation) dd-cfDNA assay]	_____	_____
AlloSure [first-generation dd-cfDNA] misclassifies patients 50% of the time	_____	_____
Prospera is highly sensitive across a range of rejection types and patients, including patients under 18 years of age	_____	_____

**QUESTION NO. 2:** Did CareDx prove by a preponderance of the evidence that Natera is liable for false advertising under the Delaware Deceptive Trade Practices Act?

**Yes  
(for CareDx)**

\_\_\_\_\_

**No  
(for Natera)**

\_\_\_\_\_

*If you answered “Yes” to Questions No. 1 or 2, you must answer Question No. 3. If you answered “No” to Question Nos. 1 and 2, you should skip Question No. 3 and proceed to Question No. 4.*

**QUESTION NO. 3:** Did CareDx prove by a preponderance of the evidence that Natera intentionally engaged in false advertising?

**Yes**  
**(for CareDx)**

\_\_\_\_\_

**No**  
**(for Natera)**

\_\_\_\_\_

**UNFAIR COMPETITION**

**QUESTION NO. 4:** Did CareDx prove by a preponderance of the evidence that Natera is liable for unfair competition?

**Yes  
(for CareDx)**

\_\_\_\_\_

**No  
(for Natera)**

\_\_\_\_\_

*If you answered “Yes” to Question No. 4, you must answer Question No. 5. If you answered “No” to Question No. 4, you should skip Question No. 5 and proceed to Question No. 6.*

**QUESTION NO. 5:** Did CareDx prove by a preponderance of the evidence that Natera intentionally engaged in unfair competition?

**Yes  
(for CareDx)**

\_\_\_\_\_

**No  
(for Natera)**

\_\_\_\_\_

**COMPENSATORY DAMAGES FOR FALSE ADVERTISING AND  
UNFAIR COMPETITION**

*If you answered “Yes” to Questions Nos. 1, 2 or 4, you must answer Question Nos. 6 and 7. If you answered “No” to Question Nos. 1, 2 and 4, you should skip Question Nos. 6 and 7 and proceed to Question No. 8.*

**QUESTION NO. 6:** What amount, if any, is CareDx entitled to recover as actual damages attributable to Natera’s false advertising and/or unfair competition?

Answer: \$ \_\_\_\_\_

**QUESTION NO. 7:** What amount, if any, is CareDx entitled to recover as Natera’s profits attributable to Natera’s false advertising and/or unfair competition?

Answer: \$ \_\_\_\_\_



**TREBLE DAMAGES FOR FALSE ADVERTISING**

*If you answered “Yes” to Question Nos. 1 and 3, you must answer Question No. 8.  
If you answered “No” to Question Nos. 1 and 3, you should skip Question No. 8  
and proceed to Question No. 9.*

**QUESTION NO. 8:** What amount of treble damages (a sum above the amount of actual damages, not exceeding three times actual damages), if any, do you award CareDx for Natera’s false advertising?

Answer: \$ \_\_\_\_\_

**PUNITIVE DAMAGES FOR UNFAIR COMPETITION**

*If you answered “Yes” to Question Nos. 4 and 5, you must answer Question No. 9.  
If you answered “No” to Question Nos. 4 and 5, you should skip Question No. 9.*

**QUESTION NO. 9:** What amount of punitive damages, if any, do you award  
CareDx for Natera’s unfair competition?

Answer: \$ \_\_\_\_\_

**CONCLUSION**

You have reached the end of the verdict form. Review the completed form to ensure that it accurately reflects your **unanimous** determinations. All jurors should then sign and date the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should place the completed verdict form in the envelope provided to you and retain possession of it until the jury returns to the courtroom.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Juror

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Juror

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